

W. Carlton Jr.

Alexandria AND COMMERCIAL Advertiser INTELLIGENCER.

VOL. II.]

TUESDAY, DECEMBER 15, 1801.

[No. 315.

Sale by Auction.

On WEDNESDAY next,
At ten o'clock, will be sold at the Auction
Room,

Rum in hhds. and bls.

Sugar in bags, do.

Coffee in bags, do.

Soap and Candles in boxes, do.

Raisins in do.

Starch in do.

Tobacco in kegs, &c. ALSO,

A quantity of Dry Goods,

Viz.

Kendal Cottons,

Kerseys, Halshticks, Plains,

Plaids, Coatings,

Duffils, Flannels,

Irish and Sheet Linens,

German Osnaburgs,

Calicoes, Durants,

Shawls, Handkerchiefs,

Ladies' Silk Gloves,

Sewing Silks, Threads, &c.

H. and T. MOORE,

Dec. 14. Auctioneers.

Public Sale.

On FRIDAY,

At ten o'clock, will be sold at the Vendue
Store,

3d and 4th proof Antigua and

Jamaica Rum in hhds. and bls.

French Brandy in bls.

Holland Gin in bls.

Teneriffe Wine in casks,

Cordials in bls.

Sugar in hhds and bls.

Molasses in hhds.

Rice in tierces and bls.

Soap in boxes,

Queens and Earthen Ware in crates,

handsomely assorted!

30 boxes Havanna Segars,

Cotton in bales—on a credit.

ALSO,

A variety of DRY GOODS,

—AMONG WHICH ARE—

Broad and narrow Cloths,

Flannels and Planes,

Carpets and Carpeting.

Irish and German Linens,

Worsted and cotton Stockings,

Calicoes and Ginghams,

A variety of Muslin and Muslin Hand-

kerchiefs and Shawls,

Table Cloths, Hats,

Boots and Shoes,

Hardware, and

A number of other articles.

P. G. MARSTELLER,

Vendue-Master.

Dec. 14. Freight Wanted

For the Sloop

S A L L Y,

Captain CARPENTER,

Carries about 350 barrels—for N. York
or Rhode-Island, on moderate terms, if
application is made soon.

JOHN G. LADD.

Landing and for Sale, from said vessel,
10 Puncheons well flavoured St. Vincent
Rum,

Spermaceti and Tallow Candles,

Sweet Cider, Cheeze, and dry Cod-Fish.

November 28.

10

F A L L G O O D S .

CUTHBERT POWELL
has received, per the Eliza, from Liver-
pool, an Importation of

Fall & Winter Goods,
which he is now opening at the store late-
ly occupied by Messrs. A. and W. Ram-
say, on King-street, and which he offers
for sale on moderate terms by the piece or
package.

Also,

25 Crates Earthen Ware,
well assorted.

Sept. 20.

10

Cash given at this office for
clean Rags.

Public Sale.

On Friday the 18th instant will be sold,
at the Vendue-Store,

A large and general Assortment of
Elegant Furniture,

Consisting of

14 Dining-Room Chairs with covers,

2 Setters with covers,

1 Large Dining-Table with round ends,

1 Smaller do.

2 Liquor-Cafes,

3 Knife-Cafes,

1 Side-Boat,

Decks and Book-Cafes,

Looking-Glasses and Prints,

Carpets,

3 Sets Table and Tea China,

3 Matresses and Beds,

Bed and Window Curtains,

And-Irons, Shovels and Tongs,

1 Eight-Day Clock,

Table Linen and Napkins,

Glaes and Queen's Ware, &c.

With a handsome and general collection of
Books.

P. G. MARSTELLER,

Dec. 12. Vendue-Master.

COTTON & STEWART

Have received, a large and general

ASSORTMENT of BOOKS

IN THE DIFFERENT BRANCHES OF

POLITE LITERATURE;

Amongst which, are the following:

JEFFERSON's Notes on Virginia, hot press'd,

Ed. Kotzebue's Plays, 4 vols. Ladies' Musical

Magazine, Park's Travels, Stewart's View

of Society, Chesterfield's Letters, 4 vols. Culler's

Practice of Physic, Wallis' on Health, Peleg's

Philosophy, 2 vols. Gibson's Surveying Moore's

Navigation, by Blunt, Burns' Poems, Millot's

Ancient History, 2 vols. Practical Education, 2

vols. Beauties of St. Pierre, Buchan's Family Physi-

cian, Fox's Book of Martyrs, 2 vols. Lee's

Memoirs, British State Trials, Robinion's Admi-

ralty Reports, 2 vols. (to be continued) Gentle-

man and Ladie's Preceptor, 2 vols. Hunter, on

the Blood, 2 vols. Caldwell's Memoirs, Willough's

Lectures, Martin's Law of Nations, Vattel's

Dicto, Newton on the Prophecies, 2 vols. Edin-

burgh's Infirmary, Elegant Extracts, Confes-

tions, Zimmerman on Solitude, Ditto on Na-

tional Pride, Blackstone's Commentaries, 4 vols.

Collection of Farces, 6 vols. Polite Education,

Tooke's Pantheon, Junius's Letters, 2 vols. Gu-

thrie's Geography, Knox's Education, 2 vols.

Ditto Ellys, 2 vols. Colligan's Travels, Cook's

Voyages, 4 vols. Damerger's Travels, &c. &c.

N O V E L S .

The Armenian, 2 vols. Montalbert, 2 vols.

Antoinette, Tales of Wonder, (by Levis) 2 vols.

My Uncle Thomas, 2 vols. Jack Smith, Spirit

of the Castle, Arthur Mervin, 2 vols. Clara

Howard, Ormond, Weiland, Maid of the Ham-

met, Vagabond, Sailor Boy, Athlin and Dim-

bayne, Romance of the Forest, 2 vols. Mysteri-

es of Udalphi, 3 vols. Louisa, Juilie and the

Baron, Ghoul Sier, Tale of the Times, 2 vols.

Camilia, 5 vols. Evelina, 2 vols. Monk, 2 vols.

Family of Ortenburg, Negro, 2 vols. Black

Valley, Ellen and Mordaunt, 2 vols. George

Barnwell, Mountain Cottager, Children of the

Abbey, 2 vols. Rochfort Family, Darcy, E-

milia de Varmont, Oakindale Abbey, The Fair

Impostor, 3 vols. Henrietta Mortimer, 2 vols.

Fashionable Daughter, Count Gleichen, Emma

Dorville, Scotch Heirels, 3 vols. Miss Barti-

more, 2 vols. Advertisement for a Husband, 2

vols. Wandering Islander, 2 vols. Cornelia Sed-

ley, 4 vols. Tom Jones, 3 vols. Edward, by

Moore, 2 vols. Mordaunt, by Ditto, 2 vols.

Reuben an Rachell, Girl of the Mountains, 2 vols.

Mystic Cottager, &c. &c.

ALSO,

Bibles, Testaments, Psalters, Common Prayer

Books; Dilworth, Webster, Universal, Pearce,

London, and Rational Spelling Books, Primers,

and a large collection of Histories and Children's

Books, Writing and Letter Paper, and Paper

Hangings, Wafers, Quills, Ink Powder, Violin

Strings, Playing Cards, Song Books, and Blank

Books, &c. &c.

ALMANACS for the year 1802, by the

groce, dozen, or single.

Country Shopkeepers supplied on the low-

est terms.

A Tutor Wanted.

I WISH to procure a Teacher of im-

proved mind, and moral, to reside in my

own family. An accomplished female

would be most agreeable. The salary

FROM THE WASHINGTON FEDERALIST.

No. II.

(Concluded.)

If a person declared by the constitution to be in office during good behaviour, can be removed by the legislature, then either the constitution does not bind the legislature, or good behaviour and legislative will are synonymous terms.

The first part of the proposition has long since been decided, and the last can be by the common sense of mankind, but in one manner. I appeal to every man learned and unlearned, and do not fear finding one who will assert that the two phrases make on his mind the same impression; that he understands by an office held during good behaviour, an office held during the will of the legislature.

A mode of eluding the intent of the constitution has by some been suggested. These ingenious gentlemen have discovered that though the man cannot be removed from his office, yet the office can be removed from the man. As if an office could be held during good behaviour, and could yet be separated from the holder by other means than misbehaviour. This rare piece of cunning, unworthy the integrity of the American character, will not serve the purpose of those who resort to it. The plain stubborn words of the constitution admit of no such evasion.—The man does not hold an office if the office be struck from his hands. When a superior, having a right to command, ordains that an office shall be held for a certain time or until a certain event, the inferior, who by any means forces that office out of his hands before the period arrives, or the event happens, which is to terminate its duration, plainly disobeys the order of his superior; so when a constitution ordains that a judge shall hold an office during good behaviour, the legislature which would deprive him of that office without misbehaviour, equally disobeys the plain mandate of the constitution, whether the illicit attempt be made by removing the man or annihilating the office.

Those who maintain the existence of this power in the legislature, are reduced to the necessity of contending substantially that where the constitution forbids a particular object, that object may be effected circuitously, though not directly: that a measure may be adopted which by a necessary consequence produces the forbidden effect, although the effect cannot be immediately produced. This unworthy artifice can impose on no man. All those who read the constitution must perceive that it is the end itself, and not the mean effecting the end to which that instrument attends; and consequently all means which defeat the end proposed, are alike unlawful.

It cannot escape the most cursory observer, that the views of the constitution must be as entirely deserted, and the independence of the judges as entirely destroyed, in allowing the legislature to deprive them of office by destroying it, as by removing them from it. In the one mode or the other, the judge becomes entirely dependent on the legislature, who may at will, terminate his official character. Indeed it would be a work of more difficulty to feign accusations against an upright judge, in order to justify his removal, than to discover that the public good requires some modification of the courts, which would silently displace one set of men to make room for another.

But if gentlemen could solace themselves under this apparent violation of the constitution by the miserable attempt at evasion which has been noticed, even this consolation is unattainable. The office cannot be put down. It is that of a judge, not of this or that circuit, but of the United States. By the express words of the act of congress, the judges who perform the circuit duty, are judges of the United States. The office to be abolished is that of a judge of the U. States.

Have we already made such progress in a system of reasoning which is to destroy the constitution of our country, as to come to a conclusion that the office of a judge of the United States may be abolished by a legislative act?

In a succeeding number the public attention will be directed to some opinions which deserve to be seriously considered, because they were formed at a time or on an occasion when talents and patriotism were not obscured by the spirit of party.

A Friend to the Constitution.

MEMBERS OF THE SENATE OF THE UNITED STATES.

FROM THE STATE OF NEW-HAMPSHIRE.

Mr. James Shear, and Simon Olcott.

MASSACHUSETTS.

Mr. Dwight Foster, and Jonathan Mason.

RHODE ISLAND.

Mr. Theodore Foster, and Christopher Ellery.

CONNECTICUT.

Mr. James Hillhouse, and Uriah Tracy.

VERMONT.

Mr. Nathaniel Chipman, and Stephen R. Bradley.

NEW-YORK.

Mr. Gouverneur Morris, and John Armstrong.

PENNSYLVANIA.

Mr. James Ross, and George Logan.

DELAWARE.

Mr. Wm. Hill Wells, and Samuel White.

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Mr. John Eager Howard, and Robert Wright.

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NORTH-CAROLINA.

Mr. Jessie Franklin, and David Stone.

KENTUCKY.

Mr. John Brown, and John Breckinridge.

SOUTH-CAROLINA.

Mr. Calhoun, —, vacant.

GEORGIA.

Mr. Abraham Baldwin, and James Jackson.

TENNESSEE.

Mr. Joseph Anderson, and William Cocke.

NEW-JERSEY.

Mr. Jonathan Dayton, and Aaron Ogden.

MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE U. STATES.

New-Hampshire.

Abiel Foster, George Upham, Samuel Tenney, Joseph Pearce.

Massachusetts.

William Eustis, Nathaniel Bacon, Pharnel Bishop, Joseph B. Varnum, Richard Cutts, Lemuel Williams, Seth Hastings, William Shepard, Ebenezer Matteson, Nathan Reed, Peleg Wadsworth, Josias Smith, Manasseh Cutler.

Rhode Island.

Daniel Tillinghast, —, Stanton.

Connecticut.

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Vermont.

Israel Smith, Lewis R. Morris.

New-York.

Samuel L. Mitchell, Philip Van Cortlandt, Theodorus Bailey, John Smith, Benjamin Walker, Thomas Morris, Kilian Van Rensselaer, Lucas Elmendorf, Thomas Thomas, John P. Vannes.

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John Condit, James Mott, William Helmes, Henry Southard, Ebenezer Elmer.

Pennsylvania.

William Jones, Michael Lieb, John Smilie, William Hoge, Isaac Vanhorn, Joseph Heister, Robert Brown, Andrew Gregg, Henry Woods, John A. Hanna, John Stewart, —, Boude.

Delaware.

James A. Bayard.

Maryland.

John Archer, Joseph H. Nicholson, Samuel Smith, Daniel Heister, Richard Sprigg, John Dennis, Thomas Plate, and John Campbell.

Virginia.

Samuel J. Cabell, Thomas Claiborne, Thomas Newton, jun. J. Randolph, jun. G. Jackson, Philip R. Thompson, John Taliaferro, J. Trigg, John Stratton, William B. Giles, Abram Trigg, Anthony New, John Clopton, John Smith, David Holmes, Richard Brent, John Dawson, Edwin Gray, Mathew Clay.

North Carolina.

Nathaniel Macon, Willis Alston, R. Stanford, J. Holland, Robert Williams, Johnstone, Wm. B. Grove, William Hill, Archibald Henderson, —, Stanley.

South Carolina.

T. Sumter, —, Butler, —, Moore, John Rutledge, —, Lowndes, Benjamin Ruggier.

Georgia.

John Milledge, Benjamin Taliaferro.

and feature which has existed in living that tottering Empire, than France for attempting, by the foulest treachery to overthrew in. But we all know that the implications of treaties are one thing, and their fulfilment another. It is impossible, after the invasion of Egypt, and threatened invasion of Greece by France, that the Turks should not view that republic as an enemy, even more dangerous than Russia, and look to Britain and Austria, for protection against her. Under these circumstances, it will be the fault of our government if the friendship of the Turks be not cultivated, and the highest advantage derived from the commerce of the Levant and the Archipelago.

The Moniteur announced that France is reducing her marine. The crews of the ships of war are to be reduced to the peace establishment, and "the advanced guard of the light flotilla, destined to form a diversion in the invasion of England from Boulogne and Dunkirk is disarming. This is very kind in France, and will no doubt inspire the British government with the greatest confidence; but we shall feel just as much additional security at the disarmament of the French navy as we did at our preparations and menaces.

True Briton.

The course exchange of Paris on London is now regularly inserted in the Moniteur; but the exchange of London on Paris has not yet appeared in Lloyd's List.

October 23.

Wednesday, several of our swiftest sailing vessels were dispatched from Portsmouth for the East and West Indies, the Mediterranean, Newfoundland, and the coast of Guinea, with official intelligence to the respective governors and commanders in chief in those parts, of the signing the preliminaries of peace. This measure which appears to have been postponed for the purpose of enabling government to form a certain opinion with respect to the final restoration of tranquility, may be considered as a satisfactory proof that ministers entertain no apprehensions of any obstacles arising to prevent the conclusion of the definitive treaty.

Yesterday notice was sent by the chancellor of the exchequer to Lloyd's coffee-house, that the convoy duty, owing to the preliminaries of peace, had ceased, and was no longer to be paid.

Lord Hawkesbury and M. Otto were busily employed in obviating every impediment which might retard the signing of the definitive Treaty by the plenipotentiaries.

Letters of the most respectable authority, received by the last mail from Lisbon, state a contagious fever, attended with the same symptoms as that which proved so destructive at Cadiz about two years ago, had broken out at Medina Sidonia, about 20 miles S. E. of that city, and carried off from 15 to 20 of the inhabitants daily. The Spanish government, however, had taken the most prompt and efficacious means of checking its further progress, by drawing a cordon of troops round the town of Medina, to prevent all communication with the other parts of the kingdom.

A packet is to sail this day from Southampton to Havre, between which two places the intercourse is already opened.

The manner in which the last event of the war has been conducted and terminated, is such as must leave on the minds of every nation in Europe a sense of value of our alliance, and the danger of our hostility. It is with pleasure we see that the fall of Alexandria has been purchased with so little bloodshed in comparison to the object attained. That it is doubly secured to its original possessors, both by the valour of our troops, and the good faith of our plenipotentiaries in negotiation, must be additional matter for congratulation, and it must give great confidence to the nation to see that the safety of our East India possessions can be established by force, if treaties should ever be found insufficient to their protection.

It is reported, by the late arrivals from Calais, that no reduction whatever has taken place in the naval or military department of the French republic.

For Sale,

A seat for a Merchant Mill, with ten acres of Meadow Land; situated on Broad Creek, in the State of Maryland, about three miles from Alexandria. For particulars apply to Jonathan Swift, Esq. or to W. D. Addison, Oxen Hill, Dec. 8.

By this Day's Mail.

BOSTON, December 4.

Arrived, sch'r Governor Carver, Spooner, from Bilbao. Left there, October 11; brig Hope, Smith, of Boston; sch'r Saratoga, Graves; Mary, Rowen; Hope, Swain; —, Harris, all of Marblehead; sch'r Samuel, Gindler, just over the bar, from do. November 14, lat. 43° long. 57, spoke ship Zenobia, of New-York, from West-Indies, for Hamburg, having been taken by a Spanish privateer, and retaken by an English cruiser. 18th, lat. 43° long. 52, passed the wreck of a ship, with her main and mizen-mast gone, hatches off decks, partly torn up, counter-tops; stern painted white, black sides, yellow gunnel wale, and ports between decks; no head; about 200 tons—the wind being fresh, could not board her.

Foreign Clearances—Ships Venus, Wadell, for Bourdeaux; Enterprise, Edes, La Guira; Angenoria, Treadwell, do. brigs Reward, Hooper, Naples; Ann, Rotterdam; sch'r William and Charles, Soul, for Trinidad; Courier, Appleton, Cayenne; William, Card, for Windsor.

Arrived at the Vineyard, sch'r Deborah, —, from Guadalupe. Left there, the Sukey, of Boston, to sail in 5 o'clock. Brig Polly, Fernald, of Boston, had arrived at Guadalupe in a wrecked condition, having experienced a most dreadful gale of wind; was dismasted, and lost his deck load. The vessel was condemned and sold. November 15 spoke a ship from the coast of Peru, bound to Nantucket, having Mr. E. Prescott, of this town, as passenger, on board, returning on account of ill health. At the Vineyard, a Newburyport brig from Guadalupe; a schooner from the West-Indies, and one or two more.

The sloop President, Anthony, of New-Bedford, bound to this port, went on Chatham bar on Saturday night last—vessel and cargo probably will be saved.

It is with painful reluctance, we announce the loss of two vessels recently owned by an industrious citizen of this town. The first, is the ship Prudence, Wm. Rogers, master, on her passage from Guyabon, (in Cuba) with a full cargo of Molasses, bound for Boston. Just after leaving port, the wind dying away, the vessel by force of strong current and a heavy sea, was driven on a ledge of rocks, and stranded; the cargo was principally saved; the vessel suffered so much damage as to be rendered unfit to proceed the voyage.

This event took place on or about the 6th Oct. The other, is the loss of sch'r. Ranger, Allen, master; which sailed from Jamaica, on the 28th Sept. bound for Wilmington, N. C. After experiencing a very tedious and rough passage, on the 4th Nov. lat. 31, N. the vessel having sustained great damage at sea, sprung a leak, which increased upon her, and obliged the capt. and crew for the safety of their lives, to run her ashore on the first land they could make, which proved the St. Simonds Straights of Georgia; where after saving a few trifling articles, and the vessel breaking to pieces, the captain and crew took to their boat, and arrived at Savannah, the 16th Nov. Property in these vessels, valued at 20,000 dollars, at the Insurance Offices in this town.

On Monday evening, ship Olive, Jordan, arrived at Portland, from Liverpool; long passage.

NEW YORK, December 11. The ship Hafon was sold at auction yesterday, on account of the United States, for 10,650 dollars. The purchasers were Messrs. Bedient and Hubbard.

Entered, ship Josiah Collins, Cotterell, Liverpool; brig Mohawk, Sage, Port Republican; Lucy Ann, Smith, do. Echo, Webb, Charlton; sch'r Truxton, Herbert, N. Providence; Telemachus, Fisher, Antigua; Fox, Seymour, Richwood.

Brig Rising Sun, —, Hayanna; Recovery, Campbell, Greenock.

The brig Dorsey, Burbank, arrived at Port Republican in 11 days from this port. The ship Mars, Sheffield, has arrived at Charleston with the loss of a cable and an anchor on the bar. The brig Lovely Lass, Riley, arrived at Port Republican in 25 days.

Last evening, about 8 o'clock, a Pilot came up from the Floor, who informed us that four ships were below; one of which was the Experiment from Jamaica; another supposed to be the Brothers from London; the names of the other two he did

not learn. Also, a brig from Newfoundland, and three sloops or schooners.

Arrived since our last.

Ship Josiah Collins, Cotterell, 56 days from Liverpool. We are favored by the capt. with a list of vessels laying there at the time of his sailing; but most of them have already arrived.

Sch'r Truxton, Herbert, from St. Jago, last from New Providence. Spoke the ship Grand Turk, from Philadelphia, 36 hours out. —, Brig Mohawk, Hussey, 20 days from Port Republican. Left there, brig Tar-tar, brig Lovely Lass, brig Dorsey, and sch'r Factor, all of this port.

Sch'r Telemachus, Fisher, 17 days from Antigua. Left there sch'r Sophia and Chloe, Howell, to sail in 10 days. Sailed with brig Ruby, Nicholls, bound from St. Martins to Baltimore.

TRENTON, December 3.

On Wednesday last the following resolution was unanimously adopted by the house of assembly, and concurred in by the council of this state, viz.

"That the members representing this state in the Congress of the United States, be, and they are hereby requested, if Congress should resolve to remove, for the purpose of better accommodation, from the City of Washington, to use their best efforts to procure their removal to the city of Trenton; and they are hereby authorized to proffer, in the name of the state, the State House and other public buildings belonging to the state, for the use of Congress and their officers, for any length of time that the Congress shall wish to occupy them: — And that his Excellency the Governor be requested to transmit a copy of this resolution to the members of Congress from this state, to be used by them as occasion shall offer."

NORFOLK, December 8.

Arrived the British brig Jane, capt. De Jersey, from Guernsey. November 5, in lat. 31, long. 68, 30, spoke the ship Mary, (of New-York) capt. Hussey, from Philadelphia bound to Port Republican.

Arrived the brig Eliza, Captain Evans, from London, Nov. 22, in lat. 38, 15°, long. 61, 30, spoke the ship Octavia, Jones, from Norfolk, bound to London.

Arrived the ship Fair Virginia, captain Davis, 46 days from Rotterdam. Nov. 15, in lat. 40, 16, long. 48, 30, spoke the ship Hamilton, of and from Baltimore, supposed bound to Bremen.

Captain Davis touched at Falmouth, and sailed from thence the 21st October. The following American vessels were left at Falmouth.

Ship Nestor, Wait, of Portland, from Barcelona, to sail for Dublin the first wind.

Ship Clarissa, Field, of Boston, from Barcelona, to sail for Plymouth the first wind.

Ship Martin, M'Crone, of Philadelphia from Spain.

The ship Eleonora, Rittail, of Plymouth, from Barcelona, failed the 6th October for Portsmouth.

The Roba and Betsey, Richardson, arrived at Plymouth on the 15th October, from the Mediterranean. The ship Merchant, Dyer, from this port, arrived at Rotterdam on the 28th September.

Alexandria Advertiser.

TUESDAY, DECEMBER 15.

Extract of a letter from a gentleman at New-York to his friend in Philadelphia.

"Last evening arrived the ship Draper, Lee, from London, in 44 days; left there 23d of October, and has papers of that date. The only news brought by her is the official account from Gen. H. of the surrender of Alexandria.

"The convoy duty was to sail outwards and inwards after the signing of the preliminaries of peace, but vessels arriving previous must pay."

"I have seen a price current of the 23d October. Produce of this country was very dull."

"Cotton very low—Sea Island 25 to 35 1/2.

Upland 20d. to 22d per lb.—Dye woods, log wood and fullic were advancing."

To ANDREW STERRETT, Lieut. and commander of the U. S. schooner Enterprise,

WASHINGTON, Dec. 1, 1801.

SIX,

The secretary of the navy, the regular organ for the present communication, being absent from the seat of government, for causes which may detain him for some time, I do myself the pleasure without further delay, of expressing to you on behalf of your country, the high satisfaction inspired by your conduct in the late engagement with the Tripolitan cruiser cap-

tured by you. Too long, for the honor of nations, have these barbarians been suffered to trample on the sacred faith of treaties, on the rights and laws of human nature. You have shewn to your countrymen that the enemy cannot meet bravery and skill united. In proving to them that our past confessions were from a love of peace, not a dread of them, you have deserved well of your country, and have merited the high esteem and consideration of which I have now the pleasure of assuring you.

TH: JEFFERSON.

Baltimore, Dec. 3, 1801.

Six,

I do myself the honor to acknowledge the receipt of your excellency's letter of the first inst.

It has been my greatest ambition to discharge my duty as an officer of the American navy, at all times, with promptness and fidelity; and to have received my country's and your excellency's approbation of the late conquest over a faithless and barbarian enemy, achieved by the valour and good conduct of the officers and crew I had the honor to command, is a reward which I estimate beyond my merits; but of which I shall ever cherish a grateful recollection particularly for the very flattering manner in which your excellency has been pleased to convey it.

I have the honor to be with profound respect your excellency's obliged humble servant,

ANDREW STERRETT, Lieutenant and commander of the U. S. schooner Enterprise.

Extract from a London Price Current of October 23—received by the Draper.

Ashes, Amr. Pearl, bbl, cwt. 21 1/4 to 21 1/8

inferior, 21 1/2 to 21 1/4

Pot, bbl, 21 1/2 to 21 1/7

inferior, 21 1/2 to 21 1/8

Cocoa, Grenada, cwt. 51 1/2 to 51 1/4

Caracca, for ex. 61 1/2 to 61 1/2

Coffee, middling, cwt. 60 to 61 1/4

Good, 61 1/2 to 61 1/4

Fine, 71 1/2 to 7 1/2

Wheat, Amer. and Baltic mixt, 40 to 50s qt.

Cotton, Berbice and Caffenne, lb. 25 1/2 to 25 1/2

St. Domingo and Toba, 18 1/2 to 25 1/2

Barbadoes, 25 1/2 to 25 1/4

Guad. and Martin, 25 1/2 to 30 1/2

Georgia, fine, 25 1/2 to 30 1/2

ordinary, 15 1/2 to 18 1/2

Cultorum, American, lb. 75

Ruffia, 81 1/2 to 101

Sugars, Antigua, cwt. 780 to 860

Jamaica, brown, 725 to 765

middling, 785 to 805

good, 825 to 845

Havannah, brown, 525 to 565

yellow, 545 to 605

white, 645 to 835

Iron, Sweden, ton, 291 to 301

Oil, cod, Newfoundland, ton, 521

spuma, brown, 701

white, 831

Pitch, American, cwt. 108 to 118

Rice, Carolina, new, twt. 11 1/2 to 12 1/2

Seeds, flax and linseed, Amer. none

Staves, bbl. per 1200, 91 to 101

hhd. 141 to 151

pipe, 421 to 511

Tar, Carolina, bbl. 185 to 195

Virginia, 195 to 215

Tea, common bohea, 18 1/2 to 20 1/2

best do. 21 1/2 to 23 1/2

Souchong, bbl. 3. 101 to 45 6d

Hyson skin, or bloom, 35 to 35 1/2d

best, 35 1/2d to 39 1/2d

Hyson, bbl. 34 1/2d to 35 1/2d

Oak and pine boards, none

Tobacco, Maryland, fine, lb. 9d to 10 1/2d

do. good coloured, 6 1/2d to 8d

do. middling, 5d to 6d

do. brown or ordin. 4 1/2d to 5d

do. ordinary 3 1/2d to 4d

do. striped, 6d to 9d

Carolina, 3 1/2d to 4 1/2d

Georgia, 3 1/2d to 5 1/2d

Turpentine, American, cwt. 21 1/2

Wax Bees, American, cwt. 21

Wine, Madeira, pipe, 861 to 901

SUPREME COURT OF THE UNITED STATES.

Thursday, December 10, 1801.

—Thomas Swann, Esq. of the district of Columbia, and John R. Smith, Esq. of Pennsylvania, admitted as Counsellors of this Court.

Reider vs. Shreeve.

This was a writ of error from the Alexandria County court. The case in the court below was an action instituted by Shreeve v. Ruthe for a malicious prosecution. The defendant suffered a judgment by default—and afterwards he moved to set aside the office judgment, and offered a plea of justification, which was rejected by the court below as inadmissible under the act of Assembly of Virginia which requires (V. Laws, p. 85) a defendant to plead to the issue immediately. This rejection by the court was the chief error relied upon by the counsel for the plaintiff in error.

The court affirmed the judgment of the court of Alexandria county.

We already begin to feel the effects of the late peace most sensibly—flour has fallen to 8 dollars the barrel—rice in England sells at a guinea the cwt. and here will probably sell at 3 dollars the cwt. By next year it will soon be selling at 2 pence per lb. The freights of our vessels are also much reduced—a short time since our shippers of flax seed got two guineas per tierce freight to Ireland—they cannot now get more than half a guinea.

Freights to England are already reduced to the peace price—many of the American vessels that have lately arrived from Great-Britain have brought out goods at 40s, florin per ton.

The next reduction we shall witness will be in rents—these have been enormously high; their fall will be a pleasant circumstance to all the community, except to landlords; however, as they have had their day, hope-keepers now will have theirs—So revolves the wheel of fortune.

(N. Y. Pap.)

Important Public Improvement.

We have the pleasure to inform our readers and the public in general, that the road from the Bald Eagle's Nest to Presqui' Isle, is opened this season. It proceeds from the Nest in Centre county, by the north side of Philipsburg, to the west branch of the Susquehanna, thence through the growing Chinclecamough settlements, thence over Anderson's Creek in Lycoming to the head branches of Sandy-lick, thence to the two saw-mills of James Potter, Esq. on Sandy-lick, near the Saltlick, thence through the growing settlements on the south east waters of Toby's creek, thence across Toby's creek to Alleghany river, and so

VALUABLE MEDICINES.

SAMUEL BISHOP,
STATIONER and BOOKSELLER,
Respectfully informs the public that he has
received a fresh supply of the following
esteemed Medicines from Lee & Co.
Baltimore, who have appointed him
their only Vendor in Alexandria.

HAMILTON'S WORM DESTROYING LOZENGES. FOUR YEARS

Have scarcely elapsed since the introduction of HAMILTON'S WORM DESTROYING LOZENGES into general use, yet in this short period upwards of

One Hundred and Twenty Thousand
Persons of both sexes, of every age, and in every situation have received benefit from this extraordinary remedy, in various complaints arising from worms and from obstructions in the stomach and bowels.

This medicine, which is innocent and mild as it is certain and efficacious in its operation, cannot injure the youngest infant, or the most delicate pregnant lady, should no worms exist in the body; but will, without pain or griping, cleanse the stomach and bowels, removing whatever is foul or offensive within, particularly that slimy humor from whence worms and many fatal disorders proceed.

Children generally take this medicine with eagerness, having a pleasing appearance, and an agreeable taste.

A dose of this medicine given occasionally will effectually prevent the vomiting and purging of children, a dreadful disorder which annually destroys thousands of the infant part of our cities. It is likewise the mildest and most certain remedy known, and has restored to health and strength a great number when in an advanced stage of this fatal complaint. Particular and plain instructions are given for every part of the necessary treatment in such cases.

The celebrity acquired by the Worm Lozenges, particularly in the city of Baltimore, renders the further publication of certificates in their favor, an unnecessary expence.

Description of Worms, and the symptoms by which they are known.

Worms which infest the human body, are chiefly of four kinds, viz. the Teres or large round worm, the Aesculines, or small maw worm, the Cucurbitina, or short, flat, white worm, and lastly, the Taenia, or tape worm, so called from its resemblance to tape; this is often many yards long, and is full of joints—it is most hurtful, and most difficult to cure.

Among the symptoms attending worms, are disagreeable breath, especially in the morning—Bad and corrupted gum—Itching in the nose and about the seat—Convulsions and epileptic fits, and sometimes privation of speech—Starting and grinding of the teeth in sleep—Irregular appetite, sometimes loathing food, and sometimes voracious—Purging, with slimy and fetid stools—Vomiting—Large and hard belly—Pains and sicknesses in the stomach—Pains in the head and thighs, with lowness of spirits—Slow fever, with small and irregular pulse—A dry cough—Excessive thirst—Sometimes pale and unhealthy countenance, and sometimes the face bloated and flushed.

Persons afflicted with any of the above symptoms, should have immediate recourse to HAMILTON'S WORM DESTROYING LOZENGES; which have been constantly attended with success in all complaints similar to those above described.

Hamilton's GRAND RESTORATIVE,

Is recommended as an invaluable medicine, for the speedy relief and permanent cure of the various complaints which result from dissipated pleasures—juvenile indiscretions—residence in climates unfavourable to the constitution—the immoderate use of tea, frequent intoxication, or any other destructive intemperance—the unskillful or excessive use of mercury—the diseases peculiar to females, at a certain period of life—bad lying in, &c. &c.

And is proved by long and extensive experience to be absolutely unparalleled in the cure of Nervous disorders, Consumption, Lowness of spirits, Loss of appetite, Impurity of the blood, Hysterical affections, Inward weakness, Seminal weakness, Four albus, (or whites) Barrenness, Impotency, &c. &c.

The principal operations of this remedy is in the stomach, restoring the digestive powers, and sending from that organ new health and vigor into every part of the system; it enriches and purifies the blood without inflaming it; braces, without stimulating too violently the nervous system; strengthens the secretory vessels and the general habitus; brings back the muscular fibres to their natural and healthy tone; and restores that nutrition which inmoderate evacuations have destroyed, and whose loss had thrown the whole frame into languor and debility.

The Restorative is absolutely above all recommendation in removing those weaknesses and infirmities with which many females are afflicted, the consequences of difficult and painful labours, or of injurious treatment therein.

The most obtinate female gouts, and the most distressing cases of fluorisms in females, fall particularly under the province of this restorative—specially yield to its benign operation, and are radically cured, by correcting and purifying the acrimonious humors, restoring a proper degree of tension to the relaxed fibres, and strengthening the weakened organs.

In cases of extremity, where the long prevalence and obscurity of disease has brought on a general impoverishment of the system, and a wasting of the whole frame, and a wasting of the flesh, which no nourishment or cordial could repair, a perseverance in the use of this medicine has performed the most astonishing cures.

DR. HAMILTON'S ESSENCE AND EXTRACT OF MUSTARD.

A safe and effectual remedy for rheumatisms, gout, palsy, sprains and bruises, white swellings, old strains, and relaxations, numbness and weakness of the joints, stiffness of the neck, pains of the side, headache, swelled faces, frozen limbs, and every similar complaint. It prevents chilblains, or chopped hands, and the ill effects of getting wet or damp in the feet.

The extract is celebrated for removing cold & windy complaints in the stomach and bowels, flying pains, and other spasmodic affections.

The testimony of thousands, and daily experience, sufficiently prove the superiority of the above medicine over all others, in the cure of the maladies we have enumerated.

DR. HAMILTON'S ELIXIR,

A sovereign remedy for Colds, Obstructive Coughs, Asthma, Catarrhs, Sore Throats, and Approaching Consumption.

To parents who may have children afflicted with the HOOPING COUGH.

This discovery is of the first magnitude, as it affords immediate relief, checks the progrès, and in a short time entirely removes the most cruel disorder to which children are liable—the Elixir is perfectly agreeable and the dose so small, that no difficulty arises in taking it.

DR. HAHN'S ANTI-BILLIOUS PILLS.

The operation of these pills is perfectly mild, so as to be used with safety by persons in every situation, and of every age.

They are excellently adapted to carry off superfluous bile, and prevent its morbid secretions—to restore and amend the appetite—to procure a free perspiration, and thereby prevent colds, which are often attended with fatal consequences—a dose never fails to remove a cold, if taken on its first appearance. They are celebrated for removing habitual colicines—sicknesses at the stomach, and severe head-ache—and ought to be taken by all persons on a change of climate.

THE SOVEREIGN OINTMENT for the ITCH,

Which is warranted an infallible remedy at one application, and may be used with perfect safety by pregnant women, or on infants a week old, not containing a particle of mercury, or any other dangerous ingredient whatever, and is not accompanied with that tormenting smart which attends the application of other remedies.

THE GENUINE PERSIAN LOTION,

So celebrated among the fashionable throughout Europe, is an invaluable cosmetic, perfectly innocent and safe, free from corrosive and repellent minerals (the basis of other lotions) and of unparalleled efficacy in preventing and removing blemishes in the face and skin of every kind, particularly freckles, pimples, inflammatory redness, scurfs, tetter, ring worms, fur-bumps, prickly heat, premature wrinkles, &c. rendering the skin delicately soft and clear, improving the complexion, and restoring the bloom of youth.

THE DAMASK LIP SALVE.

The RESTORATIVE POWDER for the TEETH and GUMS.

DR. HAHN'S TRUE and GENUINE GERMAN CORN PLASTER.

An infallible remedy for corns, speedily removing them, root and branch, without given pain.

DR. HAHN'S GENUINE EYE WATER.

A sovereign remedy for all diseases of the eyes, whether the effect of natural weaknes or of accident, defluxions of rheum, dulness, itching and films on the eyes, never failing to cure those maladies which frequently succeed the small pox, measles and fevers, and wonderfully strengthening a weak sight. Hundreds have experienced its excellent virtues, when nearly deprived of sight.

TOOTH ACHE DROPS.

The only remedy yet discovered which gives immediate and lasting relief in the most severe instances.

THE ANODYNE ELIXIR,

For the cure of all kinds of Head-Ache.

CHURCH'S COUGH DROPS.

INFALLIBLE AGUE and FEVER DROPS.

For the cure of Agues, Remittent and Intermittent Fevers.

VENEREAL DISEASE.

Those whom this may unfortunately concern, are informed that a supply has now been received of

THE PATENT INDIAN VEGETABLE SPECIFIC,

Prepared by Dr. Leroux.

The experience of several thousands who have been cured by this medicine (a great proportion of them after the skill of eminent physicians had proved ineffectual) demonstrate its efficacy in expelling the Venereal Poisons however deeply rooted in the constitution, and in counteracting those dreadful effects which often result from the improper use of mercury.

The mildness of the Vegetable Specific is equal to its surprising efficacy, its operations is so gentle that it is given to venereal patients is a state of pregnancy, with the utmost safety, and performs a cure without disturbing the system, or producing any of those disagreeable effects inseparable from the common remedies.

With the medicine is given a description of the syrups which obtain in every stage of the disease, with copious directions for their treatment, so as to accomplish a perfect cure in the shortest time, and with the least inconvenience possible.

ANDERSON'S PILLS.

GOWLAND'S LOTION.

A liberal allowance made wholesale purchasers by application to Lee & Co., Baltimore. Country Printers and Stationers will find it advantageous to keep a constant supply of the above Medicines, and will be treated with liberal terms.

Lee & Co. will give the highest prices in cash for BLACK SNAKE ROOT, GINSENG and BEE'S WAX.

November 16.

NOTE.—The above Medicines are also sold by John Shaw, at the Post-Office, Leesburg.

To be Leased

For the term of 12 years, at reasonable rents.

Sundry tracts of Land in the counties of Berkley and Hampshire, in tenements of convenient dimensions, from 100 to 200 acres.

IN BERKLEY.

526 acres upon the river Potomac, opposite to Fort Frederic.

1100 acres upon the river Potomac, at the mouth of the Warm Spring run.

660 acres upon the north fork of Sleepy Creek.

Mr. Butler, living at Bath, can show these Lands.

IN HAMPSHIRE.

501 acres on New Creek, at the mouth of Kettlelick branch.

700 acres on the drains of Abraham's creek, on the Alleghany mountain.

633 acres on the south fork of Gibon's run.

654 acres on the Alleghany mountain, between the gap over to Pine Swamp and another gap, called "The way to Buffington's meadow."

555 acres, called the "Trout-pond tract," on the drains of Great Cacapon.

The five last-mentioned tracts were taken up near 40 years ago, and granted to Thomas Bryan Martin, deceased, and by him conveyed to the subscriber. Any of these tracts are to be purchased at a reasonable price; one half of the money to be paid down; and for the other credit will be allowed. For further particulars apply in Alexandria to the subscriber.

CHARLES LEE.

Sept. 16. 1800. 2aw

REMOVAL.

THE Subscriber respectfully informs his Friends and the Public, that he has removed his store into the brick house adjoining Messrs. James Russell & Co's, where he has opened a neat assortment of

SEASONABLE GOODS,

Confisting of

Superfine, fine and coarse cloths, Kerseys, half thickness, flannelings, coatings, Kendal cottons, flannels, baizes, rose and striped blankets, callimores, swaddlings, plaids and jerseys, fancy cord, velvets, fustians, stuffs, calicoes, Irish linens, shawls, check handkerchiefs, beds tickings, ticklenburg, ofnaburg, &c.

Gentlemen's fine hats of the newest fashion and of a very superior quality, felt do.

by the case and by retail, children's coarse and fine do. shoes, kid, stuff, and leather slippers.—Loaf sugar, brown do. in barrels, coffee in bags and barrels, pepper and alspice, china and queen's ware, which are now offered for sale on the most reasonable terms.

JOSHUA RIDDLE.

Oct. 16. 1800. 2aw

MISSING

From Mr. C. Beverley's pasture, at Elkwood, a light bay saddle HORSE, about 15 hands high, with a small star in his forehead, and his hip on the near side somewhat larger than the other.

ALSO,

A red bay HORSE, about 14 hands high, with a small star in his forehead, and one hind and fore foot, on the same side, white. A liberal reward will be given to any person who will deliver the said horses, or either of them, to Mr. Beverley at Elkwood, to me in Northumberland county, or secure them and give me notice so that they be recovered.

WALTER JONES.

Sept. 21. 1800. 2aw

Seven Dollars Reward.

ABSCONDED from the services of Colin Auld, on Tuesday the 24th ult. a dark Mulatto Girl, named WINNIE, about 14 years of age: Had on when she went away a calico short gown and brown calamanco petticoat. As the parents of said Girl reside in this place, it is thought she is lurking about town. Any person bringing back said runaway to Colin Auld, Sr. Asaph-Street, 3 doors west of Mr. Auld's office, shall receive the above reward.

Masters of vessels and others are forewarned harboring or carrying off said Girl at their peril.

December 2. 1800. 2aw

I have for Sale,

A quantity of Seine Twine,

A few bales excellent Sacking,

1 cask Spanish Whiting,

8, 10, 12 and 2d. Nails.

My Fall Goods are received.

JOHN JANNEY.

9 mo. 20. 1800. 2aw 2m

FOR SALE,

On a liberal credit, or lease for a term of years,

That elegant Brick Building on King street, adjoining the premises of George Gilpin, Esq. Nothing is said in favor of its situation or conveniences, any person inclined to purchase or lease, will please to view it and judge for themselves.

TO LET,

The Warehouse at the corner of King and Union streets, lately occupied by Mr. C. Wilson. Also, the Warehouses adjoining.

TO LEASE,

For a term of years, A LOT fronting Merchants' wharf and the alley adjoining. The situation for the flour or wholesale business, is allowed to be the first in the District of Columbia.

TO RENT,

To careful and industrious tenants, Several PLANTATIONS in the county of Fairfax. Possession will be given the first of January.

J. SWIFT.

eo31

FOR SALE,
30 lbs. BEEF, warranted to keep a three years' voyage,
30 kegs of SOUNDS and TONGUES.
Apply to

Wm. I. HALL.

Merchants Wharf, Nov. 28. d320.

BENNETT & WATTS

HAVE IMPORTED
In the August from London, and Commerce from Liverpool, via Baltimore, The following GOODS, which completes their assortment for the season—viz.

Superfine cloths and kerseys,<br

Political Miscellany.

FROM THE WASHINGTON FEDERALIST.

No. III.

AMONG the various commentaries on the American constitution which were offered to the consideration of the public, while the question of its adoption was depending, no one has acquired or deserved so much reputation as that written under the signature of *PUBLIUS*. It is worthy of the pens to which it has been ascribed: * and while other productions on the same subject have passed away with the occasion which gave them birth, this valuable political treatise not only continues to be read with admiration, but is referred to by all parties, as containing the best exposition ever yet presented to the public eye, of the constitution of our country.— To this contemporaneous exposition I will now beg leave to refer.

In his seventy-eighth number *Publius* says: "According to the plan of the convention, *all the Judges* who may be appointed by the United States, are to hold their offices *during good behavior*, which is conformable to the most approved of the state constitutions, and amongst the rest to that of this state. Its propriety having been drawn into question by the adversaries of that plan, is no light symptom of the rage for objection which disorders their imaginations and judgments. The standard of good behavior for the continuance in office of the judicial magistracy is certainly one of the most valuable of the modern improvements in the practice of government. In a monarchy it is an excellent barrier to the despotism of the prince; in a republic it is no less an excellent barrier to the encroachments and oppressions of the representative body. And it is the best expedient which can be devised in any government, to secure a steady, upright and impartial administration of the laws." The residue of the chapter, which is too long to be quoted, contains a very able argument demonstrating the policy of making the judicial independent of the legislative authority.

It will be readily perceived, and the *circumstance* is worthy of attention, that *Publius* does not attempt to prove that the judges, the tenure of whose office is during good behavior, cannot be deprived of their offices by any legislative act; but considering that as a position too clear to be contested, proceeds to defend it. It is also worthy of remark, that no one of those whose "rage for objection disorders their imaginations and judgments," counted sufficiently on the public folly to hazard the opinion, that men who were, by the constitution, fixed in their offices, during good behavior, could, without violating that constitution, be removed by any measure of any department of government. The friends and the enemies of that instrument concurred in a construction so obviously required by its words.

When the conventions of the states assembled severally to deliberate on the great question submitted to their decision, and on which the preservation of the union was believed to depend, it will be admitted that human ingenuity was put on the rack to devise objections to the instrument under their consideration. The article relative to the judiciary of the United States, like every other article in the constitution, was scrutinized with a wish to condemn. It was objected that the Judges were not sufficiently independent of the legislature, because the power of raising their salaries existed; but no one objector, so far as I am informed of the debates of the conventions, was wild enough to imagine that they were in fact dependent on the legislature by holding offices which congress could terminate.

It is not known that in any of the states, except Virginia, this question has been discussed in relation to the rights of the state judges. As that state, however, is acknowledged to lead in the present political system, and as some of its members are understood to be peculiarly ardent in support of the measure here reprobated, as a most daring invasion of the constitution, applicable precedents of construction drawn from thence, cannot be considered as totally improper.

The constitution of Virginia declares, that "the two houses of assembly shall by joint ballot, appoint judges of the supreme court of appeals and general court, Judges in Chancery, Judges of Admiralty,

Secretary and the Attorney General, to be commissioned by the Governor, and continue in office *during good behavior*."

Another clause subjects them to impeachment for misbehavior.

By the first judicial system of Virginia, one general court was constituted with original common law jurisdiction throughout the state; there was also one court of Chancery with an equitable jurisdiction equally extensive. To these was added a court of Admiralty—and the Judges of the court of Chancery, General court, and court of Admiralty were by law declared to constitute the court of Appeals. As Judges of Appeals no commission was given them. The General court became manifestly incompetent to the business assigned it; and in order to avoid delays which amounted to a refusal of justice, a change of system, the necessity of which became apparent to all, was resolved on.

In 1787 this subject was taken up by the legislature; a system of circuit courts was adopted; and it was enacted that the Judges of the court of Appeals should perform the duty of circuit Judges. This law the Judges refused to execute as unconstitutional, and agreed, unanimously, Edmond Pendleton, George Wythe, John Blair, Paul Carrington, Peter Lyons, William Fleming, Henry Tazewell, Richard Cary, James Henry and John Tyler being present, on a remonstrance, from which will be extracted such parts as are deemed applicable to the present enquiry.

After lamenting the necessity of deciding a question between a law and the constitution, and that in case personally interesting to the Judges themselves, they say: "On this view of the subject the following alternatives presented themselves to the court; either to decide these questions or resign their offices. The latter would have been their choice if they could have considered these questions as affecting their individual interests only; but viewing them as relating to their office, and finding themselves called by their country to sustain an important post as one of the three pillars on which the great fabric of government was erected, they judged that a resignation would subject them to the reproach of deserting their nation and betraying the sacred interests of society interested with them, and on that ground found themselves obliged to decide, however their delicacy might be wounded, or whatever temporary inconveniences might ensue; and in that decision to declare that the constitution and the act are in opposition and cannot exist together; and that the former must control the operation of the latter."

The propriety and necessity of the independence of the judges is evident in reason and the nature of their office; since they are to decide between government and the people, as well as between contending citizens; and if they be dependent on either corrupt influence may be apprehended, sacrificing the innocent to popular prejudice and subjecting the poor to oppression and persecution by the rich. And this applies more forcibly to exclude a dependence on the legislature, a branch of whom in cases of impeachment, is itself a party."

"This principle supposed, the court are led to consider whether the people have secured or departed from it in their constitution or form of government. In that solemn act they discover the people distributing the governmental powers into three great branches, legislative, executive and judiciary, in order to preserve that equipoise which they judged necessary to secure their liberty; declaring that those powers be kept separate and distinct from each other, and that no person shall exercise at the same time an office in more than one of them. The independence of the two former could not be admitted, because in them a long continuance in office might be dangerous to liberty, and therefore they provided for a change by frequent elections at stated periods; but in the last, from the influence of the principle before observed upon, they declared that no judges should hold their offices during good behavior. Their independence would have been rendered complete by fixing the quantum of their salaries."

After stating the vast increase of duty without a correspondent increase of salary, which they deem such an attack on their independence that it would be inconsistent with a conscientious discharge of duty to pass it over, they say: "For vain would be the precaution of the founders of our government to secure liberty, if the legislature, *is* restrained from changing the tenure of judicial offices are at liberty to compel a resigntion by reducing salaries

to a copper, or by making it part of the official duty to become hewers of wood or drawers of water."

Without attempting to defend in its full extent, the opinion advanced by the court of appeals of Virginia, an opinion which very clearly goes beyond the letter of the constitution, and beyond the principles maintained in these numbers, the public attention is solicited to some parts of it which are believed to be unquestionably correct in themselves, and which are peculiarly applicable to the subject we are discussing.

The judges consider themselves as forming "one of the three pillars on which the great fabric of government was erected, and that when this pillar was endangered, "a resigntion would subject them to the reproach of deserting their nation and betraying the sacred interests of society interested with them." They say that "the propriety and necessity of the independence of the judges is evident in reason and the nature of their office," and "this," they say, "applies more forcibly to exclude a dependence on the legislature, a branch of whom, in cases of impeachments is itself a party." Under the influence of these principles, the people, continues the court of appeals, have in their form of government "declared that the judges should hold their offices during good behaviour. Their independence would have been rendered complete by fixing the quantum of their salaries."

According to the unanimous opinion of all the judges of Virginia, an office held under the constitution during good behaviour, and of which the quantum of salary is fixed, is completely independent of the legislature; and whenever the legislature can be so unmindful of its high duties as to assail the independence, the constitution and the act are in opposition and cannot exist together, and the former must controul the operation of the latter."

The legislature appears to have acquiesced under this decision of the court. The law was new modeled. A separate court of appeals was established, the judges of which were to be elected by joint ballot, in conformity with the constitution. Several members were added to the general court, and it was declared to be their duty to ride the circuits. The Judges of the court of chancery, general court, and court of admiralty, who had not been elected in pursuance of the constitution judges of the court of appeals, but on whom that duty was imposed by law, were relieved from the further discharge of it.—In making this arrangement several of the Judges were understood to have been consulted; and on the ballot the six senior judges were elected, five into the court of appeals, and the sixth into the court of chancery. Yet this arrangement so agreeable to many of them, and formed in concert with them, was not accepted without a protest affecting their rights.

On the fifth of March, 1789, the act was laid before them, Mr. Pendleton, Mr. Wythe, Mr. Blair, Mr. Lyons, Mr. Fleming, Mr. Mercer, Mr. Parker, Mr. Cary and Mr. Tyler, being present, when after stating reasons for not proceeding on the docket, they say: "But before the close of their session, they conceive (however painful the repetition) that they are again under an indispensable obligation to advert to an act of Assembly which they are constrained to consider as incompatible with their independence. The act intended is an act of the last session for amending the act entitled "an act constituting the court of appeals." The direct operation of this law is the motion from office of the whole bench of judges of appeals, and the appointment of new judges to the same court.

"But although the office of a Judge of the former court of Appeals was in the mode of election as established by the act of 1779, accessory and appendant to an office in one of the superior courts, yet a judge of this supreme court properly invested, was by the constitution intended to be equally independent and equally secure in the enjoyment of that office as of the office of Judge of one of the superior courts to which it is annexed, and therefore could not be constitutionally deprived of it.

It appears to the court probable that the General Assembly were so much engrossed by the idea of the utility of their great object, the establishment of district courts, as either to have overlooked this difficulty which stood in their way, or, if they perceived it, to have counted on the acquiescence of those whose rights were

thus to be invaded; and in this expectation (if it was indeed entertained) the legislature were not deceived. This court is truly willing to make any voluntary sacrifice for the attainment of so desirable an object as the establishments of courts

which by the expeditious administration of justice, will not only give that relief to suffering creditors which has already been too long withheld from them, but contribute much to the increase of industry and improvement of the morals of the people. Yet whatever concessions this court may be willing to make, they think it their duty to guard against encroachment. And in conformity to these sentiments, after protesting against every invasion of the judiciary establishment or any deprivation of office in that line in any other mode than is pointed out in the constitution* they do hereby of their mere free will in order to make way for the salutary system lately adopted, resign their appointments as judges of the court of appeals, and as they do not hold any separate commission for that office which might be returned to order the same to be recorded."

It is to be recollect that by the act here noticed, no judge was to be divested of his judicial character or of his salary. No constitutional court of appeal then existed. No judges had been elected or commissioned for that court in the manner prescribed by the constitution, and its duties had been assigned by an ordinary legislative act, to the judges of the court of chancery, general court, and court of admiralty. The legislature thought itself competent to relieve those judges from this extra duty, but without diminishing their salaries, and to erect a court of appeals in pursuance of the constitution.—The judges, in this state of things, delivered opinions, which, however, they might have been misapplied on that occasion, are unquestionably correct in themselves, and directly applicable to the present situation of the circuit judges of the United States. They declare that "they are constrained to consider" the act repealing the law by which the court of appeals was constituted "as incompatible with their independence." That a judge of the supreme court properly invested was intended by the constitution to be equally independent and equally secure in the enjoyment of that office, as of the office of judge of one of the superior courts to which it was annexed, and, therefore, could not be constitutionally deprived of it." That "whatever concessions the court may be willing to make, they think it their duty to guard against encroachments"; and they protest "against every invasion of the judiciary establishment," or "any deprivation of office in that line in any other mode than is pointed out in the constitution."

These were the sentiments of the court of appeals of Virginia, when that court was composed of all the judges of the commonwealth, and when its bench was graced with law characters of whom she does not yet cease to boast. The miserable quibble (if indeed it be not below even that epithet) of distinguishing between a blow at the office and at the man, was then undiscovered. The judges declare that they cannot be constitutionally deprived of office. And this declaration is made in consequence of a law repealing that by which the duties of judges of appeals were assigned to them. Their protest is against every legislative invasion of the judiciary establishment, and any legislative deprivation of office, no matter by what mode, that they protest against as unconstitutional. It was at that time the opinion of Virginia that no means could be lawful, which were adopted to effect an unlawful end.

A Friend to the Constitution.

* That is by impeachment.

Congress of the United States.

HOUSE OF REPRESENTATIVES.

Monday, December 14.

Gen. Wadsworth presented a petition from John Hobby, late Marshal of the District of Maine, now confined in prison at Portland, for a debt of 6000 dollars due to the United States. The petitioner stated that this debt had arisen mostly from the failure of those officers employed under him, and partly from his own carelessness; but in no respect from dishonesty in him. Referred to the secretary of the treasury.

The committee of revision and unfinished

business, made a lengthy report: It was ordered to be printed.

Mr. Nicholson called up the resolution concerning Timothy Pickering Esq. Mr. Nicholson, on further consideration of the subject, was convinced that the resolution ought not to refer to Mr. Pickering alone, he would therefore offer another resolution, that a committee be appointed to enquire whether the monies drawn from the treasury have been faithfully applied and accounted for, as by law appropriated, and to enquire what rules or regulations are further necessary.

Mr. Bayard. He thought the resolution expressed in too general language, and involved an almost endless investigation: He wished to know if the gentleman meant an examination of all the monies and appropriations, or of the secretaries of state alone, and if the secretaries of state only he wished to know whether the committee proposed were to go back to the commencement of the federal government.

Mr. B. said he did not doubt, nay he knew, that money had been appropriated to uses not at the time of the appropriation allowed by law, that the public service required it, but congress afterwards justified such conduct.

Mr. Bayard declared that the gentleman (Mr. Nicholson) had done honour to himself as well as to Mr. Pickering, by his candid declaration of his belief that Mr. Pickering had ever conducted with the strictest honesty and integrity as a public officer: he considered such a declaration from such a gentleman, as sufficient to silence all the vile slanders and base falsehoods that had been circulated.

Mr. Nicholson. He said he had made the resolution general, in order to comprehend also the war and navy departments, as well as the department of state; though his first resolution was intended only for Mr. Pickering; as the department of state was more easy of investigation than the others; he however now wished the resolution to extend to all.

Mr. Giles. He had always been in favour of making such enquiries: he was the first who advanced the propriety of such enquiries on the part of the house, though his former proposition on that head had been treated with disrepect.—

Disbursements of public money always excited the sensibility of the people; they were ever anxious to know what uses their money was put. He was much pleased with the resolution, as it would go to all the former secretaries, &c. and as it would silence all calumnies from all quarters.

He had no disposition to suspect a want of integrity; but he believed that in some or all departments, practices had been introduced that were extremely incorrect, and might be injurious.

He wished that all the doors of information might be opened, that all might obtain knowledge on these subjects. He did not know why this had not been done before;

it is certainly high time it was done:—not from any regard to individuals, but from the obligations each member was under to his constituents, and all to the public, they were bound to make these enquiries; he should therefore give his hearty approbation to the resolution extending to all.

He conceived that all the modes of transacting business, and the expenditures of all money, ought to pass in review before that house; and that he

should himself bring forward a resolution in a short time to this effect, making a standing law for this purpose.

Doctor Mitchel. He was pleased with the resolution. It was the duty of the house to silence these calumnies; or if officers had conducted amiss, it ought to be known, though he was far from suspecting any corruption. If nothing were lost or mispent, still he wished to know the situation and mode of public accounts. It was also necessary to enable the comptroller to settle his accounts, as he was sometimes obliged to hesitate, for the want of vouchers. The object of the resolution he thought twofold; to make enquiries, and to make rules for correcting irregularities.

Mr. Bacon followed Doctor Mitchel, with similar arguments.

Mr. Bayard. He congratulated the gentlemen on the appearance of unanimity in this enquiry. The gentleman (Mr. Giles) was mistaken in what he said of his attempt to bring forward an enquiry: he referred to the resolution of the gentleman's bringing forward any resolution, of that kind, that was disrespectfully treated in this house: for his part he never did nor ever should oppose such; he con-

sidered such enquiries as answering valuable purposes, both as giving information to the people, and operating as a check on public officers. He should have no objection to Mr. Giles' intended resolution, but he believed it would be more difficult than that gentleman imagined to form regulations that would in all instances apply; it had been, and ever would be the case, that sometimes more money would be wanted than was appropriated by law, and sometimes not so much. Considering our vast extent of country, and the multiplicity and uncertainty of public business, there could be no remedy for this in many instances. There was sometimes a redundancy, or deficiency, the redundancy had sometimes been taken to supply a deficiency elsewhere: and such will often be the case of public business must suffer; and it would certainly be injurious to apply restrictions in all instances. He would mention one instance. The Commissioners of this city had expended all the money appropriated to completing the buildings and preparing for the reception of Congress. What was to be done? In the office of the secretary of state there was an excess of appropriation. The secretary conceived himself justifiable, in converting this excess to the supply of the deficiency, and thus prevent an injury to the public.

Mr. B. observed that, from sources on which he could depend he was enabled to assure the house that the accounts of Mr. Pickering were settled, except some small sums for which the vouchers could not at present be obtained tho' it was well known that the money was appropriated as directed by law: nor did Mr. Pickering owe the public one farthing. But the resolution comprehends too much. He wished it only to extend to the heads of Department.

Mr. Giles. He was gratified with the calmness and temper with which this session had commenced; he hoped it would continue to distinguish all their deliberations. He rose principally to say that the gentleman (Mr. Bayard) was incorrect in his statement relative to his (Mr. Giles') not having introduced a resolution formerly to make enquiries into the state of the public offices: but this was before Mr. Bayard was a member of the house.

Mr. Giles said, he did not doubt but it was sometimes justifiable to appropriate money to uses not authorised by law; yet officers thus appropriating ought ever to call on the next congress to decide the necessity or propriety of such appropriations. The resolution does not go to define sufficiently the duties of the committee, as it now stands the committee will be obliged to go back twelve years. It ought to limit the duties of the committee and specify to what they should attend.

On motion, carried, and a committee of seven appointed.

A communication was received from the secretary of the treasury, containing a list of appropriations necessary for the year 1802, and sundry other documents.

Ordered that the usual number be printed.

The house then resolved itself into a committee of the whole on the state of the union, Mr. Morris in the chair.

Mr. Smith introduced a resolution, the purport of which was the repeal of all laws laying discriminating duties on tonnage and goods.

Mr. Dennis thought the house not ripe for a discussion at present.

Ordered to lie on the table.

Mr. Giles said, that among other subjects in the President's message that claimed their early attention was that of the census of the United States, as many of the state legislatures were then in session, and they would save the expense of being again called solely for this purpose. He laid on the table a resolution, the spirit of which was, that the election of representatives should be in the ratio of one representative to 33,000 persons.

Carried.

Alexandria Advertiser.

WEDNESDAY, DECEMBER 16.

DIED yesterday morning WILLIAM STANHOPE, Esq. Sheriff of Fairfax County.

Proposed for an Amendment of the Constitution of the United States.

where the power of the President, in the appointment of officers, is defined, strike out the words w-

hile, and by and with the consent of the senate; so that the clause may run, "he shall appoint," &c. In the same section strike out the whole of the last paragraph, which at present reads, "The President shall have power to fill up all vacancies that may happen during the recess of the senate," &c. For this substitute, "The President shall have power at any time, and according to his pleasure, to remove officers, and appoint others in their places; and it shall be the duty of every new President, on his election, to remove all, or as many of the officers appointed by his predecessor, as he in his wisdom shall think necessary to produce a rotation, and preserve the balance of parties which may exist."

Were this amendment adopted, it would save Mr. Jefferson, and any future president, from the blame of violation on this head. It is certainly better to conform the constitution to the practice, than to keep them at variance with each other. I observe that Mr. Edmond Pendleton in his piece entitled "The danger not over," proposes eight amendments; but it is perhaps unwise to burden us with so many at once. In one thing he and I seem to differ. He is for taking some power from the president, and I am for giving him more. In this I think Mr. Jefferson will be on my side; nor do I despair of bringing Mr. Pendleton to the opinion that any power is safe when so great and good a man is at the head of the nation; who, as he further believes, "has a nobler destiny to fulfil, than that of making his contemporary countrymen happy for a few years." He proceeds, "the rare event of such a character at the head of a nation, imposes on us the sacred duty of seizing the propitious opportunity to do all in our power to perpetuate that happiness.

—I cannot reconcile the conduct of the one and the language of the other, unless by supposing that they believe all power is safe in the hands of Mr. Jefferson; but that as he is not immortal, and no man like him shall ever again exist upon earth, it is proper to form due restrictions for his successors. Whatever may be thought necessary in this respect may be a subject of future and serious consideration. In the mean time, let us enlarge the powers of Mr. Jefferson, who can be no less than "an Angel in the form of a Republican sent to reign over us. LYCURGUS.

[N. Y. Gaz.]

THOUGHTS,
Collected from some of the best writers on
Politics.

The fashion of styling rulers Servants, is not pleasant as compliment; it is not wholesome as instruction. How either rulers, or people should be much mended by it, is not easily imagined. We have seen very assuming letters, signed "Your most obedient, humble servant." The professed denomination that ever was endured on earth took a title of still greater humility than that which is now proposed for sovereigns by the apostles of liberty. Kings and nations were trampled upon by the foot of one calling himself "the servant of servants; and mandates for depositing sovereigns were sealed with the signet of "the Fisherman."

The form of incantation used by the democrats is—"Philosophy, Light, Liberty, the Rights of men."

As in a clear diamond, every little grain, or speck, strikes the eye disagreeable, though it would scarce be observed in a duller stone; so in men of eminent virtue, their smallest vices are readily spied, talked of, and severely censured; whilst in an ordinary man, they would either have lain concealed, or been easily excused.

A perfect democracy is the most shameless thing in the world. As it is the most shameless, it is also the most fearless.

Ahafon said, O that I were made judge in the land, that every man which hath any suit or cause might come unto me, and I would do him justice! And it was so, that when any man came nigh to him to do him obeisance, he put forth his hand, and took him, and kissed him. And on this manner did Ahafon to all Israel that came to the King for judgment. So Ahafon stole the hearts of the men of Israel.

A nation of philosophers is as little to be expected as the philosophical race of kings wished for by Plato.

Society requires not only that the passions of individuals should be subject, but that even in the mass and bodily as well as in the individuals, the inclinations of men should frequently be thwarted, they will be controlled, and their passions brought into subjection. This can only be done by a

power out of themselves; and not in the exercise of its function, subject to that will and to those passions which it is its office to bridle and subdue. In this sense the restraints on men, as well as their liberties, are to be reckoned among their rights.

It is the reason of the public alone that ought to control and regulate the government. The passions out to be controlled and regulated by the government.

The tendency of republican governments is to an aggrandisement of the legislative, at the expence of the other departments.

The complaint which persons make of a corruption of manners, and of the impatience under lawful government, is idle, while they themselves contribute to these with all their might. The neglect of public worship introduces immorality, which first disturbs, and then overturns the state.

RELIGION

NEVER TO BE TREATED WITH LEVITY.

ADDRESSED TO YOUTH.

IMPRESS your minds with reverence for what is sacred, let not wantonness of youthful spirits, nor compliance with the intemperate mirth of others ever betray you into profane follies. Besides the guilt which is hereby incurred, nothing gives a more odious appearance of presumption of youth, than the affectation of treating religion with levity.—Instead of being an evidence of superior understanding it discovers a pert and shallow mind; which, vain of the first smatterings of knowledge, pretends to make light of what the rest of mankind revere. At the same time you are not to imagine, that when exhorted to be religious you are called upon to become more formal and solemn in your manner than others of the same years; or to erect yourself into supercilious reprovers of those around you, the spirit of true religion breathes gentleness and affability. It gives a native unaffected ease to the behavior. It is social, kind, and cheerful; far removed from that illiberal superstition which clouds the brow, sharpens the temper, dejects the spirit, and teaches men to fit themselves for another world, by neglecting the concerns of this. Let your religion, on the contrary, connect preparations for Heaven with an honorable discharge of the duties of active life. Of such religion discover on every proper occasion, that you are not ashamed; but avoid making any unnecessary ostentation of it before the world.

PORT OF ALEXANDRIA.

ARRIVED.

Schr. Franklin, Butts, Barbadoes

— Polly and Sally, Keith, Baltimore

Sloop Little Poll, Lucket, do.

CLEARED,

Brig Thomas, Drewry, Liverpool

Industry, M'Kenzie, Jamaica

Schr. Philip, Mills, N. York

—

PUBLIC SALE.

On FRIDAY next, will be sold at the

Venue Store,

AN ELEGANT GIG,

with plated Harness,

And a small Coachee for children.

P. G. MARSTELLER.

Dec. 16. Vendue-Master.

—

Ten Dollars Reward.

RAN AWAY from the subscriber living in Bladensburg, on Tuesday the 8th inst. a bright Mulatto man, named Jack, about 28 years of age, 5 feet 6 inches high, with very black and pretty long hair.

He is tolerably well made, bandy legged, dark eyes, and has something the appearance of an Indian. He took with him a new suit of dark mixed cloth,

with white metal buttons, to wit: short doubled breasted jacket, vest and pantaloons, also a blue broadcloth coat, nankeen breeches, jackets of different kinds, white stockings, good shoes, and sundry other articles of clothing not recollect.

It is probable he is gone to Alexandria (where he has often told me his mother lives) having been seen on the road going that way with a bundle of clothes, and may endeavour to get on board some vessel in order to get off. Whoever takes the said man and brings him home, or secures him, so that I may get him again, shall receive the above reward.

RICHARD PONSONBY.

N. B. All masters of vessels and others are forewarned employing, harboring, concealing, or carrying off the said Mulatto man at their peril.

Dec. 16.

2034